



"Most Livable City"
U.S. Conference of Mayors

ROBERT A. COHEN
CHIEF OF CODE ENFORCEMENT

CITY OF SCOTTSDALE
CITIZEN AND NEIGHBORHOOD RESOURCES
7447 E. INDIAN SCHOOL RD., SUITE 300
SCOTTSDALE, AZ 85251

(480) 312-4088
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Scottsdale

hborhood Resources

-(480) 312-2546 • Fax - (480) 312-2455

7447 E. INDIAN SCHOOL ROAD, SUITE 300 • SCOTTSDALE, AZ 85251

NOTICE OF VIOLATION COMPLIANCE ORDER

PROPERTY OWNER:

left at door

ADDRESS:

10201 N 124th

DATE:

3/27/03

PLEASE BE ADVISED THAT AN INVESTIGATION HAS SHOWN THAT THIS PROPERTY IS IN VIOLATION OF THE CITY NUISANCE AND PROPERTY MAINTENANCE ORDINANCE OR CITY CODE IN THE FOLLOWING AREA(S):

Public Nuisances Ch 18 - 5	Preservation of Rural Residential Lifestyle Ch 18 - 11
Litter Control Ch 18 - 6	Solid Waste Management Ch 18 - 109
Vehicles and Watercraft Ch 18 - 7	Housing Code Ch 18 - 110
Buildings, Structures & Accessory Improvements Ch 18 - 8	Zoning Code Appendix B
Land Ch 18 - 9	Other
Preservation of Natural Desert Ch 18 - 10	

TO CORRECT THE VIOLATION(S):

The city's zoning ordinance
Does not allow any Palm tree
to be in the E.S.L District which
this home is in.
Any Palm taller than 20 ft must be
removed. No Palm tree may grow
taller than 20 ft

PLEASE CORRECT THE VIOLATION(S) BY:

9-BA-2003

REINSPECTION DATE:

4-27-03

If you fail to correct the violation(s) within the time stated, you may be subject to a Civil Sanction of up to \$200.00 (Residential) or \$500.00 (Non-Residential) criminal charges may be filed in some cases.

Repeat violation(s) may be subject to higher fines.

CODE INSPECTOR

LARRY JONAS

PHONE

312-6265

OFFICE HOURS: 8:00 - 9:30 A.M.

ATTACHMENT #3

CD07084 (7/02)



Justification For
Requested Variance



CASE # _____

PROJECT # 194 - PA - 2003

APPLICANT TO FILL OUT THIS PORTION

Address Where Variance is Requested

10201 North 124th Street,
Scottsdale, Arizona 85259

JUSTIFICATION

Must Be Completed Fully By Applicant (All Four Justifications Must Be Satisfied)

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address.

The surrounding of the property include numerous other residences containing non-indigenous plants exceeding 20 feet in height, including some residences with more than 50 palm trees that are more than 20 feet high. The property is located at 124th St. / Gold dust and should be attractive in order →

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

* See attached *

3. That special circumstances were not created by the owner or applicant.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

- 1- The surrounding of the property include numerous other residences containing non-indigenous plants exceeding 20 feet in heights, including some residences with more than 50 palm trees that are way more than 20 feet high. The property is located at the corner of 124th Street and Gold dust and should be attractive in order to better the appearance of the entire neighborhood. The palm trees add to the attractiveness of the all properties. The letters sent from a lot of neighbors are evidences of all the happy and satisfied people about the palm trees. Also, the roof height in this particular residence, is 25 feet high which was the reason for the 6 out of 9 palm trees to exceed 20 feet in height in order to cause roof clearance. This was recommended by the landscaping company, who delivered, and installed the palm trees and have been in business for almost a half a century.
- 2- The authorization of this variance is necessary to preserve the privilege of other properties in the neighborhood to retain their numerous non-indigenous plants that exceed 20 feet in height. That were also installed after the E.S.L. ordinance went into effect. A lot of homeowners and builders and landscaping company are not aware of the E.S.L. ordinance and requirements, since this is residential area. It would not be fair to enforce non-indigenous plant ordinance against this owner/ applicant when it has not been enforced against so many other owners.
 - pictures are included.

3 - The owner/applicant made diligent efforts to comply with city requirements before installing the palm trees. In September 2002, before starting the landscaping on the property, the owner/applicant called the City to inquire about any city requirements that must be observed with respect to landscaping projects. The City staff told the owner/applicant that since this was a residential project no submittals were required and stated that only the grass is prohibited. The city staff said nothing about E.S.L. area and non-indigenous plants exceeding 20 feet in height. The neighborhood's landscaping also did not indicate nor showed of any such rule. The landscaping company were not also aware of such law. These people have been in landscaping business for 50 years and have been installing non-indigenous plants all over the Scottsdale area.

4 - The palm trees will not be detrimental to persons residing in the area. They are attractive (as were said in the neighbors letters) and are similar to the hundreds of other palm trees in the immediate neighborhood.

Ever since these palm trees were installed, so many neighbors have stopped by or wrote letters to the owner/applicant to admire and appreciate the palm trees that have added a better look to the environment as well the community. They have seen the transition of this vacant lot to a nice residence. They all expressed their feelings of how these palm trees are part of the neighborhood and should not be removed.



City of Scottsdale PROJECT NARRATIVE



- ☐ Rezoning
- ☐ Use Permit
- ☐ Development Review
- ☐ Master Sign Programs
- ☐ Text Amendment

☒ Other
Variance

Case # 9-BA-2003 194 -PA- 2007
 Project Name _____
 Location Scottsdale
 Applicant Tara Rafi
 Ordinance Section _____

SITE DETAILS

Proposed Zoning: _____
 Existing Zoning: _____
 Parcel Size: _____
 Height: _____

Parking Required: _____
 Parking Provided: _____
 # Of Buildings: _____
 Setbacks: N- _____ S- _____
 E- _____ W- _____

In the following space, please describe the project or the request

Applicant Seeks a variance From Section 6.1070.6.1.i, which prohibit non-indigenous plants exceeding 20 feet in height, to allow the continued existence of 9 palm trees already installed at a cost of about \$20,000.00.
 See attached letter

ISSUE/VIOLATION

- During the course of the construction of my residence, I learned about the various codes and restriction association with my land. These restrictions were NAS area, and G.L.O. which were new to me and required intensive research and modifications with engineering firm designing my home and the Planning Department from the City of Scottsdale. This process took several months to resolve and this delay cost me considerable time and money due to exceeding the time frame requirements from the bank for the construction loans.
- So, based on the aforementioned restrictions and requirements, prior to landscaping I specifically contacted the City of Scottsdale Planning Department to determine the specifications associated with landscaping in the City of Scottsdale. The only restriction/code that was mentioned was that there was to be no grass. I inquired about the need to submit plans to the city and was told due to this being a residential property it was not required.
- After working hard for 2.5 years I completing my home on a corner vacant lot in a developed residential neighborhood that had been sitting for over 20 years. Although this was a very long and tiring process I was very happy to have my new neighbors stopping by to congratulate me and thanking me for improving the neighborhood and removing an eyesore that had been in their for such a long time.
- Due to the previous mentioned conflicts with time, caused by all the codes and restrictions enforced by the City I was unable to secure a loan for the landscaping. This caused a year delay in the planning and landscaping of my home. At this time I had neighbors inquiring into why I don't have any landscaping.
- During the course of the year I had ample time to drive through my neighborhood and numerous other new developments and admire all the beautiful palm trees that were an integral part of their homes and our neighborhood.
- Once I was finally ready to begin landscaping I got numerous bids from various landscaping companies. I chose Whitfill Nursery, a licensed, bonded and insured landscaper in the Valley since 1946. They were to install nine beautiful palm trees in the enclosed area at my house.
- The preparation process for these trees took almost a month and required significant amount of hard work and labor to properly prepare the soil, dig the ground (up to 10' deep) so as to not damage the structure/foundation of the house. The palms tree were hand picked and trucked in and installed with cranes. Which also required a significant amount of intensive labor.
- Some of the palm trees that were hand picked by Whitfill Nursery were to be place adjacent to the house. Due to the height of the roof line in the front of the house some of these beautiful palm trees had to be a certain height to eliminate any roof clearance issues.
- On March 27, 2003 I received a notice of violation due to the height of my palm trees by inspector Mr. Larry Jonas. I contacted the code inspection department for the City of Scottsdale and spoke to Mr. Robert Cohen. Later that week Mr. Robert Cohen and Mr. Larry

Jonas came to my house to discuss and explain the violation notice. This was the first time I heard any mention of E.S.L. area the restrictions in regards to non-indigenous plants and the heights of them.

- Mr. Robert Cohen advised me to apply for a variance with the City of Scottsdale. He indicated that my landscaping was beautiful and could see how much hard work had gone into it and how devastated I was.
- Additionally upon completion of my landscaping, I had numerous neighbors stopping by to comment on how wonderful the landscape looked and how it really improved the overall look of the community and added significant value to their properties. They were so impressed that such an eyesore could become such a wonderful sight to drive by. I have letters from various neighbors confirming this.
- Since receiving this notice I have driven through various neighborhoods and new developments and have found too many violations to even document. I have pictures and address of over 50 homes in my immediate neighborhood that have the same issue with non-indigenous plants/trees that are greater than 20' in height.



OWNER: MINE AND TARA BAKER
 1832 N. 60TH PLACE
 PHOENIX, ARIZONA

ZONING: R-15, E.S.L.

TAX PARCEL NUMBER: 20-32-034D

LEGAL DESCRIPTION:

Parcel 2 - The south 1/2 of Lot 25 in
 G.L.S. Lot 25 in Sec 20, T34N, R15E, in the
 S. 33.53 & M. Arizona County, Arizona.
 TOTAL LOT SQ. FOOTAGE: 58,980 sq. ft.

TOTAL UNDER ROOF SQ. FT.: 9,577 sq. ft.

TOTAL LOT COVERAGE: 16.5%

ELECTRICAL

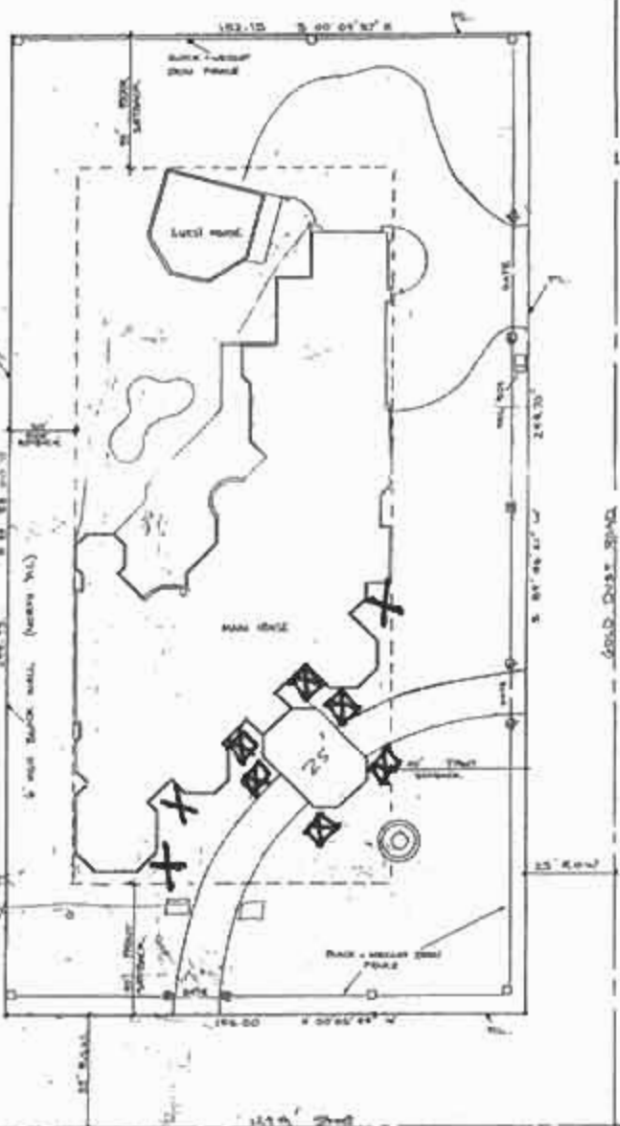
1. SERVICE PANEL, TO BE 200 AMP, IN BASE W/ 400 VOLT 250-400 VOLT
2. SERVICE PANEL, 4000 WATT, TO BE 200 AMP, IN BASE W/ 400 VOLT 250-400 VOLT
3. SERVICE PANEL, 4000 WATT, TO BE 200 AMP, IN BASE W/ 400 VOLT 250-400 VOLT
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19. SERVICE PANEL, 4000 WATT, TO BE 200 AMP, IN BASE W/ 400 VOLT 250-400 VOLT
20. SERVICE PANEL, 4000 WATT, TO BE 200 AMP, IN BASE W/ 400 VOLT 250-400 VOLT

JACUZZI TYPE TUB

1. JACUZZI TYPE TUB, TO BE 6' X 8' X 6' IN BASE W/ 400 VOLT 250-400 VOLT
2. JACUZZI TYPE TUB, TO BE 6' X 8' X 6' IN BASE W/ 400 VOLT 250-400 VOLT
3. JACUZZI TYPE TUB, TO BE 6' X 8' X 6' IN BASE W/ 400 VOLT 250-400 VOLT
4. JACUZZI TYPE TUB, TO BE 6' X 8' X 6' IN BASE W/ 400 VOLT 250-400 VOLT
5. JACUZZI TYPE TUB, TO BE 6' X 8' X 6' IN BASE W/ 400 VOLT 250-400 VOLT

SECURITY NOTES

PALM TREE LOCATON PLAN



SCALE: 1" = 20'-0"

X - palm trees less than 20' ft
 X - palm trees higher than 20' ft